

CHAVIUS MARQUETTE BARBER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.


obtaining such relief. This appointment is limited to cases affected, or potentially affected, by United States v. Simmons and, except upon motion of counsel and approval by this Court, will terminate upon a determination by appointed counsel that the defendant is not eligible for relief or, if eligible for relief, upon exhaustion of the defendant's post-conviction remedies.

In light of the Court's Standing Order, the Court will grant Petitioner's motion for appointment of counsel to the extent that such appointment of counsel is consistent with this Court's Standing Order.

IT IS THEREFORE ORDERED that:

- (1) Petitioner's Motion to File a Successive Petition is **DENIED**, (Doc. No. 13), as this Court lacks jurisdiction to consider the motion.
- (2) Petitioner's Motion to Appoint Counsel, (Doc. No. 14), is **GRANTED** to the extent that it is consistent with the Court's Standing Order dated May 22, 2012.
- (3) The Clerk of Court is directed to mail this Order to the Federal Defenders of Western North Carolina.

Signed: November 26, 2012



Frank D. Whitney
United States District Judge

